



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

AUG - 6 2013

Ref: 8ENF-UFO

CERTIFIED MAIL -7009 3410 0000 2599 6955 - RETURN RECEIPT REQUESTED

Mr. Theodore J. Danks, Registered Agent
TJD Consulting LLC
8997 BIA Route 10
Mandaree, ND 58757-9244

Re: U.S. EPA Region 8 Request for Information from TJD Consulting LLC

Dear Mr. Danks:

The U.S. Environmental Protection Agency (EPA) has determined that information regarding Danks Non-Hazardous Oil Field Waste Disposal Facility located at N1/2 of the NW1/4 of the NW1/4 of Section 17, Township 149 North, Range 92 West, Dunn County, North Dakota, within the Fort Berthold Reservation (Facility) is needed to evaluate whether the requirements of certain federal environmental statutes are applicable to the Facility, and whether the owners and/or operators of the Facility are in compliance with all applicable federal environmental requirements. Rather than sending separate requests for information under each potentially applicable statute, and in an effort to minimize duplication of effort on your part, the EPA is combining the requests into this single request letter.

You are receiving this request because you have been identified as an owner and/or operator of the Facility and, as such, are responsible for compliance with this request. The EPA requests that you submit the information requested herein not more than thirty (30) calendar days after your receipt of this letter.

Information is requested pursuant to the following statutes: the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, *et seq.* (RCRA); the Clean Water Act, 33 U.S.C. § 1251 *et seq.* (CWA); and the Clean Air Act, 42 U.S.C. § 7401 *et seq.* (CAA) (Statutes). The EPA's authority to request the information described herein is found in the following sections of the Statutes: section 3007 of RCRA, 42 U.S.C. § 6927; section 308 of the CWA, 33 U.S.C. § 1318; and section 114 of the CAA, 42 U.S.C. § 7414.

Attached as Attachment A to this letter are requests for information that could be made under more than one of the Statutes. Attachments B to F set forth requests that are specific to the particular statute or program within one of the Statutes as noted in the heading of the attachment.

The terms defined in this letter and Attachment A are applicable to each of the questions in Attachments A to F, unless a different definition of the same (or a similar term) appears in a particular attachment. In that case the definition in that attachment shall be applicable to each question in that attachment. Terms not defined in this letter or the Attachments, but defined in the Statutes are to be interpreted consistent with the statutory definition (*see, for example*, section 1004 of RCRA, 42 U.S.C. § 6903; sections 311 and 502 of the CWA, 33 U.S.C. §§ 1321 and 1362; and section 302 of the CAA, 42 U.S.C. § 7602).

Precede each answer with the attachment letter and question number to which you are responding (for example, A.1, C.3). If a specific information request is not applicable to the Facility, please provide the question number and indicate N/A. If responsive information has been provided in a prior response, the response to the subsequent question may refer to the prior answer. If you have previously provided information responsive to any question to EPA Region 8 and the response was voluminous, your response to the request may reference the previous submittal, but must include the date and method of submittal and the name of the intended recipient.

Please submit the requested information to:

U. S. Environmental Protection Agency, Region 8
Cynthia Peterson (8ENF-UFO)
1595 Wynkoop Street
Denver, CO 80202-1129

Your response to this letter must include a signed copy of the Statement of Certification enclosed with this letter. The Statement of Certification must be signed and dated by a duly authorized officer or representative of TJD Consulting LLC.

Failure to provide the requested information or submittal of incomplete and/or false information may subject you or any other person authorized by you to respond to this request to liability, including, but not limited to, the imposition of monetary penalties under the Statutes. Please be further advised that the knowing omission of material information or the making of false material statements or representations may subject the responder to criminal penalties under the Statutes and 18 U.S.C. § 1001.

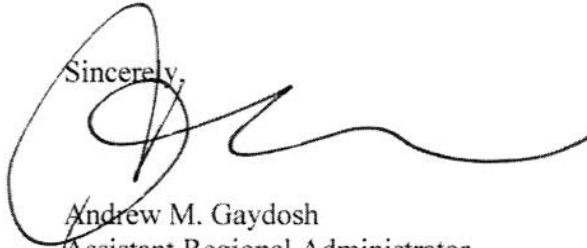
The information requested by this letter must be provided notwithstanding its possible characterization as confidential business information or trade secret. However, TJD Consulting LLC may request, in accordance with and subject to the limitations of 40 C.F.R. Part 2, treatment of certain information as Confidential Business Information (CBI). CBI requests must be made at the time of submission or such information may not be protected as CBI by the EPA. TJD Consulting LLC may assert such claim by placing on the information at the time submitted, a cover sheet, stamped or typed notice employing language so indicating, such as "Proprietary," "Company Confidential," "Trade Secret," etc. If the EPA determines the information so designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B.

Enclosed with this letter is a Small Business Regulatory Enforcement Fairness Act (SBREFA) information sheet, *U.S. EPA Small Businesses Resources*, containing information on compliance assistance resources and tools available to small businesses. SBREFA does not eliminate your responsibility to comply with the Statutes or respond to this Request, nor does it create any new rights or defenses under law.

This Request for Information is exempt from the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*

If you require clarification of this request, please contact Cynthia Peterson of my staff at (303) 312-6879 for technical questions. For any legal questions you may have, please contact Chuck Figur at (303) 312-6915.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew M. Gaydosh', with a large, stylized initial 'A'.

Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance, and
Environmental Justice

Enclosures: Attachments A-F
Statement of Certification
U.S. EPA Small Businesses Resources

cc: Marvin Danks
TJD Consulting LLC
8997 BIA Route 10
Mandaree, ND 58757-9244

Attachment A

REQUEST FOR INFORMATION
GENERAL FACILITY INFORMATION

EPA is authorized to request this information pursuant to at least one of the following sections of the Statutes: section 3007 of RCRA, 42 U.S.C. § 6927; section 308 of the CWA, 33 U.S.C. § 1318; and section 114 of the CAA, 42 U.S.C. § 7414.

Terms defined in this Attachment A shall be construed as defined herein for each of the questions in Attachments A-F, unless a different definition appears in a particular attachment. In that case the definition in that attachment shall be applicable to each question in that attachment.

Definitions

The terms “and” and “or” shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this Request for Information any information which might otherwise be construed to be outside its scope.

All questions asked in the past tense should be interpreted to apply to the present as well as the past, and vice versa.

Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate, in the context of a particular question or questions.

The terms “you” or “your” shall mean the addressee of this Request for Information, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

The term “describe” shall mean provide in detail all information you are aware of that may relate in any way to the information, person, or document referenced.

The terms “document” and “documents” shall mean any writing, recording, or stored information, and includes, but is not limited to, writings of any kind, formal or informal, whether or not wholly or partially in handwriting.

The term “Facility” shall mean the Facility described and defined in the letter to which this attachment is attached.

The term “identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

The term “identify” means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (*e.g.*, corporation, partnership), organization, if any, and a brief description of its business.

The term “identify” means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the author and recipient(s), and to describe the substance or the subject matter.

The term “person” includes any individual, and any organization, including, but not limited to, a firm, corporation, association, partnership, or governmental organization.

Questions

1. Describe the operations and all business activities conducted at the Facility.
2. Describe the construction, including any modifications, of the Facility.
 - a. Identify when construction of the Facility commenced.
 - b. Identify when construction of the Facility was completed.
 - c. Identify when the Facility began operation (*i.e.*, began accepting waste).
 - d. Has the Facility been modified since construction? If yes, describe the modifications.
 - e. Did any federal government agency(ies) fund or guarantee loans for the construction of the Facility? If yes, describe each action.
 - f. Did the Facility apply for any permits related to construction or modification activities? If so, list using the following format:

<u>Number</u>	<u>Facility/Unit Assigned To</u>	<u>Issuing Agency</u>	<u>Date Issued</u>
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- g. Provide copies of all permits listed.
3. Provide details on the location of the Facility:
 - a. Provide the latitude, longitude, datum, county and state.
 - b. Provide the street address and city, if applicable. Provide the mailing address if different than the street address.
 - c. Provide the township, range, quarter-sections and fractions for rural areas.
 - d. Is the Facility located in Indian Country? If yes, describe the land status of the Facility (*i.e.* tribal trust, tribally owned fee, Indian allotment, non-Indian owned fee, non-Indian allotment).
 - e. Describe the physical environment in the vicinity of the Facility, including a description of the surrounding area and its uses (*e.g.*, agriculture, ranching, recreation, commerce, residential).

- f. Provide a location map and site plan.
- g. Provide the size of the site in acres.
- 4. Provide the name and street address of the current owner(s) of the Facility, including Dun & Bradstreet number.
 - a. Provide the name and current address of each related person, such as a parent company, subsidiary or partners (if any).
 - b. Provide all owners of the business and all owners of the property for the last five years.
 - c. Identify if persons listed in response to A.4.b above are a tribal member(s) and/or a tribal corporation.
- 5. State what type of business unit (*e.g.*, corporation, partnership, LLC) owns the Facility.
 - a. In what state was the business unit incorporated or organized?
 - b. If a corporation, or other entity with a structure having officers and directors, provide the name and contact information for all officers and directors.
- 6. Provide the name and address of the operator of the Facility described above, if different from the name and address of the owner identified in question A.4. Describe the relationship between each of the owner(s) and operator(s) (*e.g.*, employee, subcontractor, lessee, wholly owned subsidiary).
- 7. List any applicable Tribal, EPA, state, county or local governmental identification or permit numbers (*i.e.*, NPDES, RCRA, etc.), using the following format.

<u>Number</u>	<u>Facility/Unit Assigned To</u>	<u>Issuing Agency</u>	<u>Date Issued</u>
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Provide copies of all permits listed to the degree they were not provided in response to question A.2.g.

- 8. List the name, address, and telephone number of the individual answering this Request for Information, and describe that individual's relationship to the owner(s) and operators(s) (*e.g.*, employee, contractor, *etc.*).

Attachment B

REQUEST FOR INFORMATION
CLEAN AIR ACT

This information is requested pursuant to section 114 of the CAA, 42 U.S.C. § 7414.

Definitions

“Municipal solid waste landfill” or “MSW landfill” means an entire disposal facility in a contiguous geographical space where household waste is placed in or on land. An MSW landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill or a lateral expansion.

“CAA 112(r) chemical” shall mean all chemicals and thresholds found at:
<http://www.epa.gov/R5Super/cepps/pdfs/rmp-listed-chemicals-200708.pdf>

“Construction” means the on-site fabrication, erection, or installation of an affected source. Construction does not include the removal of all equipment comprising an affected source from an existing location and reinstallation of such equipment at a new location. The owner or operator of an existing affected source that is relocated may elect not to reinstall minor ancillary equipment including, but not limited to, piping, ductwork, and valves. However, removal and reinstallation of an affected source will be construed as reconstruction if it satisfies the criteria for reconstruction as defined in this section. The costs of replacing minor ancillary equipment must be considered in determining whether the existing affected source is reconstructed.

“Major source” means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless the Administrator establishes a lesser quantity, or in the case of radionuclides, different criteria from those specified in this sentence.

“Potential to emit” means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally enforceable.

The phrases “modification” or “modified source” mean any physical change in, or change in the method of operation of, a stationary source which increases the emission rate of any pollutant for which a national standard has been promulgated under part 50 of this chapter or which results in the emission of any such pollutant not previously emitted, except that:

- (1) Routine maintenance, repair, and replacement shall not be considered a physical change, and
- (2) The following shall not be considered a change in the method of operation: (i) An increase in the production rate, if such increase does not exceed the operating design capacity of the source; (ii) An

increase in the hours of operation; (iii) Use of an alternative fuel or raw material, if prior to the effective date of a paragraph in this part which imposes conditions on or limits modifications, the source is designed to accommodate such alternative use.

All terms not defined in this Attachment B, or in Attachment A, shall have their ordinary meaning, unless such terms are defined in section 302 of the CAA, 42 U.S.C. § 7602, or in 40 C.F.R. Part 60, Subpart Cc, in which case the statutory or regulatory definitions shall apply.

Questions

1. Are you a municipal solid waste (MSW) landfill per the definition at 40 C.F.R. Part 60, Subpart Cc?
2. What type of waste, as also defined in Subpart Cc, do you accept/collect?
3. Is this landfill collocated with a "major facility" as defined above?
4. What is the landfill's design capacity (as calculated according to 40 C.F.R. § 60.754(a) of the MSW landfills new source performance standards in 40 C.F.R. Part 60, subpart WWW)? Provide all calculation documentation.
5. What is the landfill's potential to emit (in tons per year) for the following pollutants:
 - Carbon Monoxide
 - Nitrogen Oxides
 - Sulfur Dioxide
 - Volatile Organic Compounds (VOCs)
 - Particulate matter with a diameter of less than 10 micrometers (PM10)
 - Particulate matter with a diameter of less than 2.5 micrometers (PM2.5)
 - Non-methane organic compounds
 - Hazardous Air Pollutants (HAPs)
6. How did you calculate your potential to emit? Provide all calculation documentation.
7. If you have modified the landfill since construction, in addition to the information provided in response to question A.2.d, explain the potential to emit (in tons per year) for each modification.
8. Provide a list of equipment and/or chemicals stored onsite.
9. Do you have any CAA 112(r) chemicals* over threshold?
*Note: 40 CFR § 68.115(b)(2)(iii) indicates that prior to entry into a natural gas processing plant, regulated substances in naturally occurring hydrocarbon mixtures need not be considered when determining whether more than a threshold quantity is present at a stationary source. Naturally occurring hydrocarbon mixtures include condensate, field gas, and produced water.
10. Are you a stationary source under CAA?

Attachment C

REQUEST FOR INFORMATION
SPILL PREVENTION CONTROL AND COUNTERMEASURE (SPCC) RULE
FACILITY RESPONSE PLAN (FRP) REQUIREMENTS

This information is requested pursuant to section 308 of the Clean Water Act, 33 U.S.C. § 1318(a).

Definitions

A “facility” may consist of a single container, tank, or pipeline or a combination of tanks, containers (including waste pits or evaporation ponds), equipment, pipelines, wells, separation and treating units, transformers, etc. A facility may be mobile or fixed. Thus, a vehicle (truck, railcar, boat, etc.) may also be a facility if it transports oil within the confines of a non-transportation-related facility, serves as a storage vessel or otherwise operates in a non-transportation mode. For the purposes of the questions in this Attachment C, Facility means the Facility as defined in the information request letter to which this Attachment is attached, or any portion thereof, as described in this paragraph.

The term “oil” means oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and other oils and greases, including petroleum (e.g., crude oil, gasoline, diesel, jet fuel, asphalt, kerosene, motor oil, and hydraulic oil) fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.

The terms “owner” and “operator” mean any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.

The term “sheen” means an iridescent appearance on the surface of water.

The term “sludge” means an aggregate of oil or oil and other matter of any kind in any form other than dredged spoil having a combined specific gravity equivalent to or greater than water.

The terms “Spill Prevention, Control, and Countermeasure Plan,” “SPCC Plan,” or “Plan” mean the document required by 40 C.F.R. § 112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the CWA or the regulations promulgated thereunder, found at 40 C.F.R. Parts 110 and 112, in which case the statutory or regulatory definitions shall apply, or the terms are defined in Attachment A, in which case those definitions shall apply.

Spill Prevention, Control and Countermeasure (SPCC) Questions

1. Regarding oil storage capacity:
 - a. List any type of containers, tanks (including aboveground, belowground and partially buried tanks), waste ponds or pits, evaporation ponds, pipelines, storage equipment, separation and treating units and/or pits, which produces, gathers, stores, processes, refines, recycles,

- distributes, transports, uses or contains any type of oil in any capacity; include the location, shell capacity and content of each container at the Facility.
- b. Has the total oil storage capacity changed during the time your business entity has owned or operated the Facility? If so, how has it changed and when did the change occur?
 - c. Identify when the container, tank (including aboveground, belowground and partially buried tanks), waste ponds or pits, evaporation ponds, pipelines, storage equipment, separation and treating units and/or pits and other oil-storage related features listed in C.1.a were brought on to the Facility.
 - d. Provide a diagram of the Facility depicting the location of the containers, tanks (including aboveground, belowground and partially buried tanks), waste ponds and/or pits, evaporation ponds, pipelines, storage equipment, separation and treating units, loading and unloading areas and/or racks listed in answer to question C.1.a. Also show the location(s) of any secondary containment.
 - e. Provide records of any maintenance conducted on any of the containers, tanks (including aboveground, belowground and partially buried tanks), waste ponds or pits, evaporation ponds, pipelines, storage equipment, separation and treating units and/or pits and other oil-storage related features listed in C.1.a in the last three (3) years.
2. Describe any activities at the Facility to transfer oil to or from any transportation-related vehicles (e.g., tanker trucks, railcars, vehicles, or any type of rolling stock). Identify where these activities take place (i.e. loading area and/or loading rack).
 3. State the distance from the Facility to the nearest water of the United States (U.S.) within the meaning of 33 U.S.C. § 1362(7) and 40 C.F.R. § 110.1 (which may include, but is not limited to, rivers, creeks, intermittent streams, ponds, lakes, reservoirs, tributaries, etc.) and/or to any wetlands, marshes or sewers. State the name of each such water of the U.S.
 4. Describe the potential discharge pathway(s) (for example, spill migration) from the Facility overland to a drainage connecting to each water of the U.S. identified in question C.3. Estimate the length of each pathway segment and provide diagrams and topographic or other maps showing the flow pathway(s).
 5. Beginning from the point where a discharge from the Facility could reasonably reach a water of the U.S. to its confluence with an interstate water, identify the interstate water, and the name and stream status (i.e. ephemeral, intermittent, perennial) of each stream segment involved. For each stream segment, provide:
 - a. Distance to a perennial stream(s).
 - b. Distance to a navigable in fact water(s).
 - c. Flow data, including average and peak volumes.
 - d. Evidence of ordinary high water mark.
 - e. Adjacent wetlands.

- f. Visible connections between wetland and other water bodies.
 - g. Wetland and stream functions and uses.
 - h. Impaired water status.
6. Provide information on sensitive environments, wildlife habitats or refuges, endangered species, water wells, or drinking water intakes in the area. List them and state their location and distance from the Facility.
 7. Does the Facility have a Spill Prevention Control and Countermeasure (SPCC) Plan, as required by 40 C.F.R. Part 112? If yes, send a copy of the SPCC Plan. If no, explain why not.
 8. Does the Facility have secondary containment as required by 40 C.F.R. Part 112? If yes, describe secondary containment at the Facility, including dimensions and capacity of each containment structure. Provide photographs of each secondary containment structure at the Facility.
 9. If the SPCC Plan is not yet fully implemented, list what portion of the SPCC Plan implementation remains and the schedule for implementation.
 10. Does the owner/operator conduct Facility inspections as described in 40 C.F.R. §§ 112.7 and 112.8? Are written records of Facility inspections prepared? If so, send copies of the inspection records for the last three years.
 11. Describe any SPCC-related trainings and or briefings held for oil handling personnel. Send copies of training records, including what the training included and who attended, for the past three years.

Facility Response Plan Questions

12. Does the Facility transfer oil over water to or from vessels and does the Facility have a total oil storage capacity greater than or equal to 42,000 gallons?
13. Does the Facility have a total oil storage capacity greater than or equal to 1 million gallons and does the Facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground oil storage tank plus sufficient freeboard to allow for precipitation within any aboveground storage tank area?
14. Does the Facility have a total oil storage capacity greater than or equal to 1 million gallons and is the Facility located at a distance (as calculated using the appropriate formula in 40 C.F.R. Part 112 Appendix C, Attachment C-III or a comparable formula) such that a discharge from the Facility could cause injury to fish and wildlife and sensitive environments? If yes, provide the planning distance calculations.
15. Does the Facility have a total oil storage capacity greater than or equal to 1 million gallons and is the Facility located at a distance (as calculated using the appropriate formula in 40 C.F.R. Part 112 Appendix C, Attachment C-III or a comparable formula) such that a discharge from the Facility would shut down a public drinking water intake? If yes, provide the planning distance calculations.

16. Does the Facility have a total oil storage capacity greater than or equal to 1 million gallons and has the Facility experienced a reportable oil spill in an amount greater than or equal to 10,000 gallons within the last 5 years?
17. Does the Facility have a Facility Response Plan (FRP), as required by 40 C.F.R. Part 112?
 - a. If yes, send a copy of the Certification of Substantial Harm and your planning distance calculation.
 - b. Has a copy of the FRP been submitted to EPA? If yes, provide the FRP number and the date it was submitted to EPA.
 - c. If yes, provide the FRP approval date.

Attachment D

REQUEST FOR INFORMATION
CLEAN WATER ACT SECTION 404 PERMIT REQUIREMENTS

This information is requested pursuant to section 308 of the Clean Water Act, 33 U.S.C. § 1318(a).

Definitions

The following definitions shall apply to this Attachment D:

The term "person" shall have the same definition as in section 502(5) of the Act, 33 U.S.C. § 1362(5): an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position, or business.

The term "Site" means the property currently or formerly owned and/or controlled by you in the N1/2 of the NW1/4 of the NW1/4 of Section 17, Township 149 North, Range 92 West, Dunn County, North Dakota, and has the same meaning as "Facility".

The term "activity" or "activities" shall encompass all earth moving, excavation, construction, dredging, filling, placement of dredged and/or fill material, and all ditching, trenching, damming, channelizing, or draining, in any wetlands or other waters of the U.S. at the Site.

The term "waters of the United States" shall have the same definition as in 40 C.F.R. § 112.2 and 33 C.F.R. Part 328 (including wetlands).

The term "wetlands" shall have the same definition as in 33 C.F.R. § 328.3(b).

The terms "dredged material," "discharge of dredged material," "fill material" and "discharge of fill material" shall have the same definitions as in 33 C.F.R. Part 323.

The term "any," as in "any documents" for example, shall mean "any and all."

All terms not defined herein, or in Attachment A, or the letter to which this attachment is attached, shall have their ordinary meaning, unless such terms are defined in the CWA, or in the regulations found at 40 C.F.R. § 122.2 and 33 C.F.R. Parts 323 and 328, in which case the statutory or regulatory definitions shall apply.

Questions

1. Describe and provide a history, including specific dates, of all activities at the Site involving earth moving, excavation, construction, dredging, placement of fill and any ditching, trenching, damming, channelizing or draining in any wetlands, ponds, creeks, streams or other water bodies at the Site. List each such discrete activity separately, and provide the information above for each activity. In addition, in your response, please provide the following information:

- a. Identify each person who conducted, authorized or was otherwise involved in each dredging, filling or other activity at the Site. Describe the specific activities undertaken by each person and specify the time and date of each activity.
- b. Identify each person not named in response to part D.1.a, above, who may have witnessed such activity.
- c. Describe the purpose for undertaking each activity and indicate if the purpose was achieved.
- d. List each wetland or water body (*e.g.*, pond, stream) affected by any activity at the Site and indicate the dimensions of the area of waters and any wetlands impacted by any activity (length and width in feet of each stream segment, volume of each fill or excavation, and acreage of each wetland impact and total wetland impacted acreage).
- e. List each piece of equipment (including its make, model and year of manufacture) used to carry out any activity at the Site and identify the owner of each such piece of equipment.
- f. If dredged or fill material was placed into any wetland or water body (*e.g.*, pond, stream) that you do not consider part of the waters of the United States, explain why you do not consider each such water body to meet the definition of waters of the U.S..

Attachment E

REQUEST FOR INFORMATION
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REQUIREMENTS

This information is requested pursuant to section 308 of the Clean Water Act, 33 U.S.C. § 1318.

1. Provide a description of any stormwater flows at or from the Facility during a storm event. This shall include any stormwater flows onto the Facility from adjacent properties and any stormwater flows off of the Facility.
2. Provide a Facility map showing the locations of:
 - a. where stormwater flows onto or off of the Facility;
 - b. any stormwater drains/conveyances or water features on or within two miles of the Facility (within two miles);
 - c. any stormwater controls; and
 - d. any non-stormwater discharges. (Non-stormwater discharges are discharges caused by flows other than a storm event, including but not limited to leachate, groundwater, and springs.)

Note: This map may be hand-drawn or computer generated. The Facility map must be legible and approximately to scale. Information may be shown on multiple maps (*e.g.*, an area map and a more detailed Facility map).

3. Provide a description of stormwater controls implemented at the Facility, if any, to control:
 - a. stormwater running onto the Facility;
 - b. stormwater running off of the Facility; and
 - c. impacts of pollutants on stormwater.

Note: These could include but are not necessarily limited to berms and diversions.

4. Provide a copy of any stormwater management plan for the Facility, if one exists.
5. Provide a description of any current or future non-stormwater discharges of any pollutant(s) from the Facility.

Attachment F

REQUEST FOR INFORMATION
SOLID WASTE DISPOSAL ACT, AS AMENDED

This information is requested pursuant to section 3007 of the Solid Waste Disposal Act, as amended by and commonly referred to as the Resource Conservation and Recovery Act or RCRA, 42 U.S.C. § 6927.

All terms not defined herein, or in Attachment A, or the letter to which this attachment is attached, shall have their ordinary meaning, unless such terms are defined in section 1004 of RCRA, 42 U.S.C. § 6903, or in the regulations promulgated thereunder (for purposes of this information request and the Facility, the potentially applicable regulations are found primarily at 40 C.F.R. Parts 260 through 266, and 268) in which case the statutory or regulatory definitions shall apply.

1. Provide as-built information for the materials and waste management units or operations at the Facility, including all information on liners or liner systems, leachate collection systems and monitoring wells for leachate and/or groundwater.
2. Describe the current acreage of your landfill and the number of currently active and inactive cells.
3. Describe whether any cells currently are under construction, and whether any new cells are planned in the next year.
4. Describe in detail the chemical and physical nature of wastes the Facility is authorized to accept.
 - a. Does the Facility accept liquid waste?
 - b. Is there a dedicated area for liquid waste management?
5. Is a logbook or other record management system of loads accepted/rejected maintained at the Facility?
 - a. Is such a logbook maintained at a location other than at the Facility?
 - b. Is a separate logbook or other record management system maintained for liquid wastes arriving at the Facility? If yes to any of these questions, provide a copy of all such records for the last twelve (12) months.
 - c. Are rejected loads recorded in any manner (*e.g.*, by truck company name, license plates, contents) and subsequently reported to proper authorities?
6. Provide a copy of the waste acceptance procedures plan in place at the Facility. State whether the plan is followed for all shipments received. If the owners or operators of the Facility are not operating pursuant to a waste acceptance procedures plan, describe in detail the procedures used to determine whether a waste is acceptable.
7. Describe in detail the management of each load of waste arriving at the Facility that is determined to be acceptable for management at the Facility.

8. Describe in detail the management of each load of waste arriving at the Facility that is determined to be unacceptable for management at the Facility for so long as such management is, or should be, observable to the owner or operator of the Facility. Provide all information in your possession regarding the next intended destination for rejected shipments.
9. Provide all results of sampling and analysis of wastes received at the Facility for the last twenty-four (24) months and, to the extent it is not readily determinable from a logbook or other record management system provided in response to question F.5 above, state whether that waste was accepted for management at the Facility or rejected.
10. Provide the sampling and analysis plan, if any, for groundwater and leachate. If the owners or operators of the Facility are not conducting sampling and analysis pursuant to a plan, describe sampling and analysis methods in full detail.
11. Provide all results of sampling and analyses conducted on groundwater and or leachate taken anywhere at the Facility or beyond the Facility boundaries in the last twenty four (24) months.
12. What are the days and hours of business at the Facility?
13. When closed, what type(s) of security measures are employed, in particular to prevent unauthorized dumping?
14. Are you aware of any dumping not authorized by the owner or operator occurring at the Facility? If yes, provide all available information on such dumping, including: date(s); detailed information on the volume, type, and character of the materials dumped; the location the dumping took place at the Facility; the person(s) involved in the dumping; any actions taken by the owners or operators to remedy the dumping; and all other available information relating to each unauthorized dumping event.
15. Are you aware of any materials being disposed of (including storage at the Facility for an extended period prior to the material being transported to a different location) at the Facility that the Facility is not authorized to accept? If yes, provide all available information on such materials so managed at the Facility, including: date(s); detailed information on the volume, type, and character of the materials; the location(s) of the disposal at the Facility; all person(s) involved in such disposal, including person(s) responsible for bringing the materials to the Facility; any actions taken by the owners or operators to remedy such unauthorized management; and all other available information relating to each unauthorized dumping event.
16. Prior to daily closing, is an earthen cover or other material put over all loads accepted that day?
17. Does your landfill accept hazardous waste as that term is defined in 40 C.F.R. Part 261? If yes, provide: a complete list of each hazardous waste code (found in Part 261) for waste authorized to be accepted and each hazardous waste actually accepted; approximate volumes of each type of hazardous waste; whether each waste is a solid or liquid; and the final disposition of each waste stream at the Facility.

**REQUEST FOR INFORMATION
STATEMENT OF CERTIFICATION**

I certify, under the penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

For **TJD Consulting LLC**:

Signature

Date

Printed Name

Title

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsca-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.